THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

WP NO.470 OF 1996

DATED 21-2-2006

BETWEEN:

Bavanari Madan Kumar

S/o.Gopala Rao, aged 28 Yrs

R/o.Lakshmi Nagar, Kothpet

Ranga Reddy District & Another … Petitioners

AND

Engineer-in-Chief (Administration)

Chief Engineer's Office, Erramanzil

Hyderabad & Others … Respondents

**THE HON'BLE SRI JUSTICE GHULAM MOHAMMED**

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**WP NO.470 OF 1996**

ORDER:

This writ petition is filed seeking to issue a writ more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in deducting the amounts in instalments from petitioners' respective salaries inspite of the fact that the petitioners have already paid the stipulated 60 instalments, as being illegal, arbitrary and ultravires as there is no contract with the 1st respondent to deduct the loan amount from the petitioners' salaries and consequently direct the 1st respondent to pay the petitioners the excess amounts deducted from their salaries.

The case of the petitioners is that they were employees of the erstwhile Hyderabad Allwyn Limited and pursuant to the change of management, in view of the memorandum of understanding (MOU) between the Government of AP and M/s.Voltas Limited, they were absorbed in 1st respondent-Department with effect from May, 1993 and since then they have been working in the 1st respondent-Department. It is their further case that in the month of November, 1990, they availed loan of Rs.20,000/- and Rs.15,000/- respectively, form the 2nd respondent-bank. It is stated that an undertaking was given by the then employer i.e. 3rd respondent-Hyderabad Allwyn Limited that it would recover the loan amounts from the salaries of the petitioners in 60 equal instalments and remit to the 2nd respondent-bank and accordingly the 3rd respondent recovered the loan amount in 60 instalments from December, 1990 to November, 1995 from their salaries.

The grievance of the petitioners is that the 1st respondent-Department is deducting the instalments from their salaries even after the entire loan amount is re-paid to the 2nd respondent-bank and drawing the attention of the 1st respondent to the fact that the entire loan is re-paid to the bank, though they have made a representation dated 5-12-1995 to the 1st respondent, still the department continued to deduct the instalments from the salaries of the petitioners. Hence this writ petition is filed seeking for the above said relief.

Heard the learned counsel for the petitioners and the learned Government for Transport and (R & B) appearing for the 1st respondent.

None of the respondents have filed counter affidavit denying the allegations made by the petitioners. In fact the petitioners have produced a statement showing the details of the amounts deducted from their salaries towards repayment of their loan amounts.

In the circumstances, the writ petition is allowed and the 1st respondents shall stop further deductions of any amounts from the salaries of the petitioners towards the loan in questions. The 1 and 2 respondents shall also refund the amounts to the petitioners deducted from their salaries over and above the loan amounts availed by them. No order as to costs.

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Ghulam Mohammed, J

Dated: 21-2-2006

Nrg.